IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Bail Appl..No. 5801 of 2007()

CRIME NO.715 OF 2007 OF MALAYALAPUZHA POLICE STATION PATHANAMTHITTA

: PETITIOENRS/ ACCUSED

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1. V.N.NARAYANAKURUP, VALAYAMCHERIL HOUSE, POTHEEPADU,MALAYALAPUZHA VILLAGE,PATHANAMTHITTA.

2. EASWARI AMMA, W/O. NARAYANAKURUP, VALAYAMCHERIL HOUSE, POTHEEPADU,MALAYALAPUZHA VILLAGE,PATHANAMTHITTA.

3. JAYAKUMAR,S/O.NARAYANAKURUP, VALAYAMCHERIL HOUSE, POTHEEPADU MALAYALAPUZHA VILLAGE,PATHANAMTHITTA.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

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1. STATE OF KERALA,REPRESENTED BY ITS DIRECTOR OF PROSECUTIONS, HIGH COURT OF KERALA ERNAKULAM.

2. THE CIRCLE INSPECTOR, POLICE STATION, PATHANAMTHITTA.

3. THE CIRCLE INSPECTOR, POLICE STATION , KONNI.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5801 of 2007

Dated this the 26th day of September, 2007

ORDER

Application for anticipatory bail. The petitioners are the husband and parents-in-law of the defacto complainant. Allegations of matrimonial cruelty of the culpable variety are raised against the petitioners. The marriage between the 3rd petitioner and the defacto complainant took place on 29.04.07. There is obvious differences of opinion between the spouses. Wife has filed a complaint before the police. The crime has accordingly been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that there is unfortunate maladjustments after the marriage. The wife, who has remained married for less than 5 months, has chosen to make fanciful and exaggerated allegations because of the strain in the matrimony. The petitioners do not deserve to endure the trauma of arrest and detention. They may be granted anticipatory bail, it is prayed.

3. The learned Public Prosecutor does not oppose the application. I reckon the stand taken by the learned Public Prosecutor as fair and reasonable. Arrest and incarceration of the petitioners is likely to mar the matrimonial tie beyond repair. That contingency

must be attempted to be avoided. Anticipatory bail can in these circumstances be granted to the petitioners subject to appropriate terms and conditions.

4. The learned Public Prosecutor submits that the petitioners are required to be arrested in Crime No.715 of 2007 of Malayalappuzha Police Station, Pathanamthitta District.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 03.10.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 04.10.07 and 05.10.07 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 03.10.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 03.10.07.

(R.BASANT, JUDGE)

rtr/-